

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL NO. 1:06CV104-1-T
(1:03CR100)**

JAMES DAVID HUSKINS,)	
)	
Petitioner,)	
)	
vs.)	<u>J U D G M E N T</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
<hr style="width:40%; margin-left:0"/>)	

For the reasons set forth in the Memorandum and Order filed
herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that
the Petitioner's motion to vacate, set aside or correct judgment pursuant to
§ 2255 is **GRANTED IN PART** as to the claim of ineffective assistance of
counsel.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the
Petitioner's conviction is **AFFIRMED**, his sentence is hereby **VACATED**,
but he shall remain in the custody of the Attorney General of the United

States. The Clerk of Court shall prepare an amended judgment which contains the same terms and provisions as that of the original judgment.

IT IS FURTHER ORDERED that, with entry of the Amended Judgment in a Criminal Case, notice of appeal is deemed to be filed on behalf of the Petitioner and the appointment of appellate counsel is respectfully referred to the Fourth Circuit Court of Appeals.

IT IS FURTHER ORDERED that Petitioner's remaining claims contained in his § 2255 motion are hereby **DISMISSED WITHOUT PREJUDICE**; and his motion to amend his § 2255 petition is **DENIED** as moot.

IT IS FURTHER ORDERED that the Government's motion for partial summary judgment is **DENIED**.

Signed: January 4, 2008



Lacy H. Thornburg
United States District Judge

